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Docket No. 15611-7032/CGAB-210-USA

**Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):**

[X] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

Dated: July 31, 2001

Name of Person Certifying: Jocelyn L. Lee

Printed Name: Jocelyn L. Lee

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Deborah KNUTZON, *et al.*

Assignee: Calgene, Inc./Abbott Laboratories

Filing Date: August 5, 1999

Examiner: N. Nashed

Serial No.: 09/367,013

Group Art Unit: 1652

Title: Methods and Compositions for Synthesis of Long Chain Polyunsaturated Fatty Acids

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO RESTRICTION REQUIREMENT TRANSMITTAL**

Sir:

In response to the Office Action mailed on May 8, 2001, enclosed herewith for filing are the following:

☒ A Response to Restriction Requirement under 35 USC § 121 and 372 [2] page(s)

Also included are:

☒ A Petition for Extension of Time [2] months [2] page(s)

☒ Return Postcard

☒ Conditional Petition for Extension of Time: An extension of time is requested to provide for timely filing if an extension of time is still required after all papers filed with this communication have been considered.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1189,  
Docket No. 15611-7032. *A duplicate copy of this sheet is enclosed.*

DATE: July 31, 2001

Respectfully submitted,

By: David W. Maher  
David W. Maher  
Registration No.: 40,077

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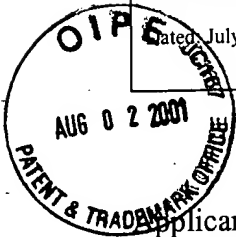
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Deborah KNUTZON, *et al.*

Assignee: Calgene, Inc./Abbott Laboratories

Filing Date: August 5, 1999

Examiner: N. Nashed

Serial No.: 09/367, 013

Group Art Unit: 1652

Title: Methods and Compositions for Synthesis of Long Chain Polyunsaturated Fatty Acids

Assistant Commissioner for Patents  
Washington, D.C. 20231

## RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. § 121 AND § 372

Dear Sir:

This is in response to the Office Action dated May 8, 2001. A two month extension of time is requested.

In the Restriction Requirement dated May 8, 2001, the Examiner stated that there were distinct inventions and required Applicants to elect one invention for prosecution on the merits. The distinct inventions, as set forth in the Restriction Requirement, are as follows:

- I Claims 65-66, 93, 94, 99, 100 and 187, drawn to methods for making oleic acids, linolenic acid, gamma-linolenic acid, stearidonic acid, and  $\alpha$ -linolenic acid.
- II Claims 67, 69-72, 91, 100, 102-105, 126, 129, 131-134, 153, 153, 156, 158-161, 180, 185, 186, and 188, drawn to microbial oil and pharmaceutical compositions.
- III Claims 97 and 98, drawn to methods for making gamma-linolenic acid from linolenic acid.
- IV Claims 73-75, 106-108, 135-137, and 162-164, drawn nutritional composition.
- V Claims 76-78, 110, 111, 138-140, and 165-167, drawn to an infant formula.
- VI Claims 79-86, 112-119, 142-148, and 168-175, drawn to a dietary supplement and substitute.

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- VII Claims 68, 87-88, 101, 121-123, 130, 149, 157, 176, and 177, drawn to a method of treatment.
- VIII Claims 89, 90, 124, 125, 151, 152, 178, and 179, drawn to a cosmetic composition.
- IX Claims 92, 127, 154, and 181, drawn to an animal feed.
- X Claims 95 and 96, drawn to the polypeptides of SEQ ID NO's: 34-40.
- XI Claim 182, drawn to nucleic acid sequences of SEQ ID NO's: 19, 21, 23, and 25.
- XII Claim 183, drawn to the polypeptides of SEQ ID NO's: 20, 22, 24, and 26.

Applicants hereby elect Group I, claims 65-66, 93, 94, 99, 100 and 187, drawn to methods for making oleic acids, linolenic acid, gamma-linolenic acid, stearidonic acid, and  $\alpha$ -linolenic acid for prosecution on the merits without traverse.

Further, the Examiner stated that the claims were generic to a plurality of species and required that Applicants elect a species dependant on the group that Applicants elect. The species for Group I were listed as follow: oleic acids, linolenic acid,  $\gamma$ -linolenic acid, stearidonic acid, and  $\alpha$ -linolenic acid.

Applicants hereby elect stearidonic acid for initial prosecution on the merits, and reserve the right to pursue additional species once the initial species is allowed.

An action on the merits of these elected claims and species and a Notice of Allowance thereof are respectfully requested.

If the Examiner has any questions concerning this Response, the Examiner is respectfully requested to telephone Applicant's agent at the following telephone number (650) 849-4908.

DATE: July 31, 2001

Respectfully submitted,

By: David W. Maher

David W. Maher  
Registration No.: 40,077

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